

REMARKS

This Response is submitted in reply to the final Office Action dated November 16, 2005, issued in connection with the above-identified application. Claims 1-11 are pending in the application. With this Response, claims 1, 6 and 11 have been amended. No new matter has been introduced as a result of the amendments made to the claims. Additionally, a petition for a one-month extension of time also accompanies this Response. Entry and favorable reconsideration are respectfully requested.

I. Response To §112 Rejections

Claim 1 stands rejected under §35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Specifically, claim 1 is rejected because the element “the network-externally valid connection destination” lacks proper antecedent basis. Accordingly, the Applicant has herein amended independent claim 1 to overcome the §112 rejection and respectfully requests that the rejection be withdrawn.

II. Response To §102 Rejections

Claims 1-5 stand rejected under 35 U.S.C. §102(e) as being anticipated by Edholm (U.S. Patent No. 6,772,210, hereafter “Edholm”). Claim 11 stands rejected under 35 U.S.C. §102(e) as being anticipated by Feinberg (U.S. Patent No. 6,798,745 hereafter “Feinberg”). The Applicant respectfully traverses the §102 rejections for the following reasons. To expedite prosecution, the Applicant has herein amended independent claims 1 and 11 to further distinguish the present invention from Edholm and Feinberg. The amendments to the claims are believed to be fully supported by the Applicant’s disclosure. (See, Applicant’s Application, page 8, lines 25-26).

Claim 1 (as amended) is directed to a method for establishing a connection from a network-internal terminal of a packet-based communication network to a network-external connection destination, wherein the gateway device simulates to the connection controller that it is the destination and hides the relying of the connection from the connection controller.

Based on a detailed review of Edholm, the reference fails to disclose the features recited in claim 1 (as amended).

First, the gatekeeper in Edholm does not simulate or determine the gateway as the destination i.e., endpoint of the connection. To the contrary, the gatekeeper in Edholm knows

about the fact that the gateway is not the endpoint of the connection. Second, Edholm gives no hint that the gateway actively hides the relaying of the connection from the gatekeeper. Rather, Edholm indicates that the gatekeeper knows about the relaying of the connection and about the actual network-external endpoint of the connection. (see, Edholm, col. 4, lines 61-66; col. 5, lines 39-41, 58-62; and col. 9, lines 37-43).

The Applicant also respectfully points out that Edholm fails to disclose other features previously recited in claim 1.

For example, the "public network address or address/port number for the called VoIP device" of Edholm is not a network-externally valid transport address, as claimed. In claim 1, the terms "network-external" and "network-internal" refer to the packet-based communications network. "Network-internal" refers to the inside of that network and "network-external" refers to the outside of that network. According to claim 1, the calling terminal and the connection controller (gatekeeper) are "network-internal". Hence, a network-externally valid transport address has to be a valid transport address outside the network containing the calling terminal and the connection controller (gatekeeper).

To the contrary, in Edholm the calling VoIP device and the gatekeeper belong to the public network 104, not to the private network 108. (see, Edholm, Fig. 1). Therefore, it is the public network to which the term network-internal refers. To this end, a network-externally valid transport address has to be a valid transport address outside that public network (i.e., within the private network 108). However, as the public network address of Edholm is a valid transport address within the public network but not outside the public network (i.e., within the private network), it can not be identified with a network-externally valid transport address, as claimed.

Edholm does not disclose that the gateway allocates the network-externally valid transport address to the transmitted logical address information. The Examiner identified the logical address information with the phone number of the called VoIP device 110 and the network-externally valid transport address with the public network address or address/port number pair for the called VoIP device 110. However, the public network address is not allocated to that phone number by the gateway. Rather, the gateway allocates the public network address to the private network address of the called VoIP device. Additionally, the private network address of the called VoIP device is not identical to the phone number of the called

VoIP device. The private network address is only usable within the private network, i.e., not within the public network where the phone number is obviously usable. (see, Edholm, col. 4, lines 22-26).

Accordingly, independent claim 1 (as amended) is believed to be clearly distinguishable over Edholm. Likewise, dependent claims 2-4 are also believed to be distinguishable over Edholm at least based on their dependency from independent claim 1.

Regarding claim 11, the claim (as amended) is more clearly directed to a first packet-switched interface that is an interface to a gatekeeper-controlled communication network. Conversely, Feinberg does not disclose two packet-switched interfaces to different networks. Although the Examiner relies on the gatekeeper 108 as the first packet-switched, Feinberg does not specify that that connection between the gateway 108 and the gatekeeper 108 is via a network different from the packet network 110. Additionally, Feinberg does not disclose a second interface conforming to the ITU H.323 mode and being designed for simultaneous operation in a non-gatekeeper H.323 mode. Feinberg only discloses that the communication between the gateway and the gatekeeper (i.e., the communication which is related to the first interface by the examiner) can use H.323. Feinberg gives no suggestion that a second interface of the gateway leading to the packet network 110 would conform to H.323.

Moreover, a non-gatekeeper H.323 mode is a specific mode defined in the ITU recommendation H.323. Hence, the non-gatekeeper H.323 mode of claim 11 can not be identified with an environment that simply lacks a gatekeeper. Feinberg gives no suggestion why the (second) interface to the non-interacting network should operate in a (non-gatekeeper) H.323 mode. However, if in contrast the packet network 110 did interact with the gatekeeper 108, then Feinberg teaches away from a packet network 110 in a non-gatekeeper (H.323) mode.

The Applicant respectfully submits that claim 11 (as amended) is clearly distinguishable over Feinberg for at least the reasons noted above.

III. Response To §103 Rejections

Claims 6-10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Thornton (US Patent 6,363,065, hereafter "Thornton") in view of Edholm. The Applicant respectfully traverses the §103 rejections for the following reasons.

The present invention as recited in independent claim 6 (as amended) is directed to a method for establishing a connection from a network-internal terminal of a packet-based communication network to a network-external connection destination, wherein the gateway device simulates to the connection controller that it is the destination and hides the relaying of the connection from the connection controller.

Neither, Edholm nor Thornton teach or suggest that a gateway simulates as a destination or hides the relaying of a connection from the gatekeeper. To the contrary, Edholm (see, Edholm, col. 4, lines 61-66; col. 5, lines 39-41, 58-62; col. 9, lines 37-43) and Thornton (see, Thornton, col. 55, lines 44-52) disclose that the gatekeeper knows about the relaying of the connection. Therefore, even if one of ordinary skill in the art were to combine the teachings of Thornton and Edholm, the combination still would not teach or suggest all the features as recited in claim 6. (as amended).

Furthermore, the Applicant submits that there is no teaching, suggestion or motivation for one of ordinary skill in the art to combine the teachings of the Thornton and Edholm in the manner suggested by the Examiner. Thornton is directed to providing VoIP services and QoS improvements to PSTN users utilizing VoIP technologies. (See, Thornton, Abstract). In contrast, Edholm is wholly silent regarding the use of PSTN system, and makes no provisions whatsoever for their use, and relies exclusively on an IP communications network. As such, there is no teaching, suggestion or motivation for one having ordinary skill in the art to combine these references, and arrive at the present invention.

Accordingly, independent claim 6 (as amended) is clearly distinguishable over Thornton and Edholm, individually or in combination, for at least the reasons noted above. Likewise, claims 7-10 are also believed to be distinguishable over Thornton and Edholm, individually or in combination, at least based on their dependency from independent claim 6.

IV. Conclusion

In light of the above, the Applicant respectfully submits that claims 1-11 are both novel and non-obvious over the art of record. The Applicant respectfully requests that a timely Notice of Allowance be issued in this case. A petition for a one-month extension of time also accompanies this Response. If any additional fees are due in connection with this application as a whole, the Examiner is authorized to deduct such fees from deposit account no. 02-1818. If such a deduction is made, please indicate the attorney docket no. (0112740-311) on the account statement.

Respectfully submitted,

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